

October 27, 1999

OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON  
850 Union Bank of California Building  
900 Fourth Avenue  
Seattle, Washington 98164  
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**REPORT AND RECOMMENDATION TO THE KING COUNTY COUNCIL**

SUBJECT: Department of Transportation File No. **V-2355**  
Proposed Ordinance No. **1999-0487**

**FRANK AND HELEN ANDERSEN**  
Petition For Road Vacation

Road: A portion of Southeast North Bend Way (formerly SR90 – Old  
Primary State Highway #2) lying west of the City of North Bend.

Petitioners: **Frank and Helen Andersen**  
P. O. Box 482  
North Bend, WA 98045

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary:	GRANT Road Vacation Petition
Department's Final:	GRANT Road Vacation Petition
Examiner:	APPROVE Road Vacation

DEPARTMENT REPORT:

The Department of Transportation's written report to the King County Hearing Examiner for Item No. V-2355 was received by the Examiner on October 14, 1999.

PUBLIC HEARING:

After reviewing the Department of Transportation's Report and examining available information on file with the petition, the Examiner conducted a public hearing on the subject as follows:

The hearing on Item No. V-2355 was opened by the Examiner at 9:27 a.m., October 20, 1999, in the Fifth Floor Conference Room, Union Bank Of California Building, Seattle, Washington, and closed at 9:35 a.m. Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

FINDINGS, CONCLUSIONS & RECOMMENDATION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information:  
Road name and location: That portion of Southeast North Bend Way (formerly known as SR90 – Old Primary State Highway #2 Route) lying west of the City of North Bend.  
Right of way classification: “A” Class  
Area: 13,500 square feet  
Compensation: \$19,710.00
2. Except as provided below, the Examiner adopts and incorporates herein by this reference the facts set forth in the Department of Transportation's report to the King County Hearing Examiner for the October 20, 1999, public hearing and the statement of facts contained in Proposed Ordinance No. 1999-0487. The said reports will be attached to the copies of this report and recommendation submitted to the King County Council.
3. The area to be vacated differs from the area originally petitioned. The Department of Transportation, in its review of the petition, requested that a small segment necessary for turning radius be preserved at the intersection of Southeast North Bend Way and 394<sup>th</sup> Place Southeast. The petitioner agrees to this modification. The compensation is based upon the modified area. The modified area to be vacated is described in the legal description and map accompanying proposed Ordinance No. 1999-0487.
4. Maps showing the vicinity of the proposed vacation and the specific area to be vacated are Attachments 1 and 2 to this Report and Recommendation. Attachment 3 is the revised and final legal description of the proposed right-of-way vacation area.

CONCLUSIONS:

1. The road subject to this petition, modified as described in Finding No. 3, above, is useless as part of the King County road system, and the public will be benefited by its vacation.
2. The Notice of Hearing on the report of the Department of Transportation was given as required by law, and a hearing on the report was conducted by the King County Hearing Examiner on behalf of the King County Council.
3. The compensation required by law to be paid as a condition precedent to the vacation of this road has been deposited with King County, and the easements, if any, necessary for the construction, repair and maintenance of public utilities and services have been provided in form satisfactory to the affected public utilities.

RECOMMENDATION:

APPROVE proposed Ordinance No. 1999-0487 to vacate the subject road.

RECOMMENDED this 27<sup>th</sup> day of October, 1999.

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R. S. Titus, Deputy  
King County Hearing Examiner

TRANSMITTED this 27<sup>th</sup> day of October, 1999, to the following parties and interested persons:

Frank and Helen Andersen  
P. O. Box 482  
North Bend WA 98045

Steve Botts  
Puget Sound Energy/Real Est Dept  
P.O. Box 97034/MS - OBC 11N  
Bellevue WA 98009-9734

Ken Humbert  
AT&T Cable Services  
4020 Auburn Way North  
Auburn WA 98002

Steve Densley  
Pacific Telecommunications  
8102 Skansie Avenue  
Gig Harbor WA 98332

Greg Borba  
DDES/LUSD  
Site Plan Review Section  
MS OAK-DE-0100

Tommy Burdette  
King County Dept Transportation  
Engineering Services Division  
MS KSC-TR-0231

Don Ding  
KC Department of Transportation  
Transportation and System Planning  
MS KSC-TR-0813

Thomas Eksten  
King County Off. of Open Space  
MS LBP-PR-0100

Dennis Gorley  
Dept of Transportation  
Road Services Division  
MS KSC-TR-0231

Kristen Langley  
KC Transportation Department  
Traffic and Planning Section  
MS KSC-TR-0222

Roderick E. Matsuno  
KC Dept. of Transportation  
Road Maintenance Section  
MS RSD-TR-0100

Ronald J. Paananen  
KCDOT Road Svcs Div  
County Road Engineer  
MS KSC-TR-0231

Dave Preugschat  
KC Property Services Division  
MS ADM-CF-0500

Lydia Reynolds  
King County Dept Transportation  
Manager/Project Support  
MS KSC-TR-0231

Faith Roland  
METRO Environ Planning  
Real Estate  
MS KSC-NR-0600

Charlie Sundberg  
Office of Cultural Resources  
Landmarks & Heritage Program  
MS STR-CR-0200

Joe Wilson  
KC Parks & Cultural Resources  
Project Manager  
MS LBP-PR-0100

NOTICE OF RIGHT TO APPEAL  
AND ADDITIONAL ACTION REQUIRED

In order to appeal the recommendation of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) on or before **November 10, 1999**. If a notice of appeal is filed, the original and 6 copies of a written appeal statement specifying

the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council on or before **November 17, 1999**. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within 14 days calendar days of the date of this report, or if a written appeal statement and argument are not filed within 21 calendar days of the date of this report, the Clerk of the Council shall place a proposed ordinance which implements the Examiner's recommended action on the agenda of the next available Council meeting. At that meeting, the Council may adopt the Examiner's recommendation, may defer action, may refer the matter to a Council committee, or may remand to the Examiner for further hearing or further consideration.

Action of the Council Final. The action of the Council on a recommendation of the Examiner shall be final and conclusive unless within twenty (20) days from the date of the action an aggrieved party or person applies for a writ of certiorari from the Superior Court in and for the County of King, State of Washington, for the purpose of review of the action taken.

MINUTES OF THE OCTOBER 20, 1999, PUBLIC HEARING ON KING COUNTY DEPARTMENT OF TRANSPORTATION FILE NO. V-2355 – FRANK AND HELEN ANDERSEN - PETITION FOR ROAD VACATION:

R. S. Titus was the Hearing Examiner in this matter. Participating in the hearing were Tommy Burdette and Helen Andersen.

The following exhibits were offered and entered into the hearing record:

Exhibit No.

1. Report to the Hearing Examiner dated October 11, 1999 with 15 attachments.
2. Petition transmittal letter dated June 3, 1997 to the Director of the Department of Transportation from Clerk of Council.
3. Letter of explanation dated June 2, 1997 from the petitioner.
4. Petition for Vacation of a County Road with an invalid legal description of Petitioners properties.
5. Copy of Filing Fee - Check #11151
6. The petitioner's sketch of the proposed vacation area
7. Map depicting vacation area.
8. Vicinity Map
9. Copy of the State of Washington deed (Volume 1922 of Deeds, Page 130).
10. Copy of Quitclaim Deed to King County Recording Number 9305120817.
11. Letter dated June 17, 1997 from Road Services Division to the petitioner explaining the vacation process and requesting the petitioner to approve the attached legal description.
12. Approved legal description dated June 12, 1997.
13. Road Vacation Worksheet V-2355 dated May 4, 1999.
14. Letter dated May 14, 1999 from the Department of Transportation, Road Services Division to the Clerk of King County Council.

15. Letter dated June 2, 1999 to Frank and Helen Anderson from Road Services Division identifying amount of compensation and requesting petitioners to approve the revised legal description.  
Revised legal description attached
16. Copy of Check #32504 for the compensation.
17. Approved revised legal description dated May 27, 1997.
18. Letter dated August 27, 1999 from King County Executive, Mr. Ron Sims to Councilmember Louise Miller.
19. Proposed Ordinance 1999-0487
20. Notice of hearing with map attached
21. Two photographs of the posting
22. Affidavit of posting with notice and map attached.
23. Affidavit of publication

RST:vam  
Attachments  
\\V-2355 rpt